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of pivoting relative to said pair of side members and said angle bracket, the transverse cross-sectional area of said at least one of said inner jaw and said outer jaw having a height and a thickness, the height being greater than the thickness.

REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the application in light of this amendment is respectfully requested.

Claims 1, 3, 20 and 21 have been amended. No claims have been canceled. No new claims have been added. Therefore, claims 1-11, 20 and 21 are under active consideration.

Applicant has invented a bracket assembly which includes an angle bracket having a horizontal leg and a vertical leg. A lower bracket arm and a lock are coupled to the angle bracket and cooperate to mount the angle bracket onto an upright. The lock includes a pair of side members pivotally coupled to the angle bracket by a fulcrum bar. The pair of side members include a first pair of openings for an outer jaw and a second pair of openings for an inner jaw, the second pair of openings being disposed, in the case of a load activated lock, beneath the plane defined by the fulcrum bar and the first pair of openings. In one embodiment, the inner jaw comprises a contact surface which is flat. In another embodiment, the inner jaw comprises a contact surface which includes a plurality of rasps.

Claim 3 stands objected to under 37 CFR 1.75(c). In support of the objection, the Examiner commented,

Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claims to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 3 does not further limit the subject matter of claim 1.

In response to the foregoing objection, applicant wishes to note to the Examiner that claim 3 is being amended herewith to include additional limitations. Accordingly, for at least the above reason, the foregoing objection should be withdrawn.

Claims 1-4, 20 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,970,277 to Riblet (hereinafter Riblet) in view of U.S. Patent No. 4,597,471 to Anderson (hereinafter Anderson) and further in view of U.S. Patent No. 878,455 to Carter (hereinafter Carter). In support of the rejection, the Examiner commented,

Regarding claims 1-4, Riblet discloses a lock (11) comprising: an upright (U1) having a first surface (U1), a pair of side members (24, 25) pivotally coupled to an angle bracket (10) by a fulcrum bar (32); an inner jaw (27) and outer jaw (26) coupled to the side members (24, 25); wherein the inner jaw (27) is mounted beneath the plane defined by the fulcrum bar and an outer jaw (26). Riblet does not disclose one of the inner or outer jaws having a substantially flat contact surface adapted to contact the first surface of the upright (U1) over a planar region. Anderson discloses an apparatus for mounting on an upright (84) comprising an outer jaw (106) having various contact surfaces (82, 158, 208, 280, 284, 290), which further include a flat contact surface (130) adapted to contact the upright over a planar region. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the surface of one or the inner and outer jaws to be flat as alternative means for gripping the upright as taught by Anderson (col. 6, lines 17 ff.). Riblet in view of Anderson discloses the lock as applied above but does not disclose one or both of the inner and outer jaws being capable of pivoting relative to the side members. Carter discloses an apparatus (Fig. 1) for mounting on an upright (5) having an outer jaw (15) pivotally mounted on a bar (14) coupled to a pair of side members (12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified one or both of the inner and outer jaws to be pivotally mounted to the side members by a bar because one would have been motivated to permit a rolling surface to provide a greater degree of frictional gripping action as taught by Carter (lines 60-64). Regarding claims 20 and 21, Riblet in view of

Anderson in view of Carter does not disclose the upright being formed of metal or fiberglass. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the combination by forming the upright of various materials including metal and fiberglass since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as is well known in the art.

This rejection is respectfully traversed.

With respect to claims 1, 20 and 21, applicant claims a lock for mounting an angle bracket on an upright comprising, inter alia, a pair of side members and a jaw pivotally coupled to said pair of side members, the transverse cross-sectional area of said at least one of said inner jaw and said outer jaw having a height and a thickness, the height being greater than the thickness. To the contrary, none of the cited references teach, disclose or suggest a lock for mounting an angle bracket on an upright which includes a jaw having a height which is greater than its thickness (e.g., a jaw having a rectangular shape in lateral cross-section). Rather, the cited references only disclose providing a jaw having a height which is equal to its thickness (e.g., a jaw having a circular or square shape in lateral cross-section).

As can be appreciated, the fact that applicant's claimed invention includes a jaw having a height which is greater than its thickness enables such a jaw to contact the surface of an upright over an elongated planar region, thereby establishing a relatively large area of contact between the jaw and the upright on which the lock is mounted, which is highly desirable. In fact, the particular construction of the jaws in applicant's claimed invention allows for said lock to be mounted onto an upright without biting, digging or engaging into said upright, which is the principal object of the present invention. Specifically, applicant's claimed lock mounts onto an upright without damaging said upright by including a pivotally mounted jaw having a height

greater than its thickness, said jaw including a substantially flat contact surface which is adapted to contact the upright over an extended planar region.

With respect to claims 2-4, applicant contends that claims 2-4 are in allowable form for being dependent upon claim 1, which applicant believes is in allowable form for the reasons noted above.

Withdrawal of the rejection of claims 1-4, 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over Riblet in view of Anderson and further in view of Carter is respectfully urged.

Applicant wishes to note for the record that on page 4 of the second Office Action dated 2-28-03, the Examiner commented that, " Claims 5-11 are allowed. The following is an examiner's statement of reasons for allowance: Regarding claim 5, although the prior art of record discloses many of the limitations of the claims, it fails to further teach or suggest the combination as claimed wherein the upright includes surface irregularities and the surface irregularities of one of the inner and outer jaw are sized and shaped to matingly engage the surface irregularities of the upright."

The prior art made of record and not relied upon by the Examiner is noted.

Allowance of the application with claims 1-4, 20 and 21 is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Date: 6-26-03

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6-26-03.


Daniel S. Kriegsman

MARKED-UP AMENDED CLAIMS 1, 3, 20 AND 21

1. (Twice Amended) A lock for mounting an angle bracket on an upright, said lock comprising:

- (a) a pair of side members,
- (b) an outer jaw and an inner jaw coupled to said pair of side members, and
- (c) a fulcrum bar which is adapted to couple said pair of side members to said angle bracket, said pair of side members being capable of pivoting relative to said angle bracket about said fulcrum bar,

- (d) at least one of said inner jaw and said outer jaw comprising a substantially flat contact surface which is adapted to contact the upright over a planar region, said at least one of said inner jaw and said outer jaw being capable of pivoting relative to said pair of side members and said angle bracket, the transverse cross-sectional area of said at least one of said inner jaw and said outer jaw having a height and a thickness, the height being greater than the thickness.

3. (Amended) The lock as claimed in claim 2 wherein the transverse cross-sectional area of said at least one of said inner jaw and said outer jaw is generally rectangular in shape [contact surface of said at least one of said inner jaw and said outer jaw is flat].

20. (Amended) The combination of:

- (a) a metal upright, said metal upright having a first surface, and
- (b) a lock for mounting an angle bracket on said metal upright, said lock comprising,

(i) a pair of side members,
(ii) an outer jaw and an inner jaw coupled to said pair of side members, and
(iii) a fulcrum bar which is adapted to couple said pair of side members to said angle bracket, said pair of side members being capable of pivoting relative to said angle bracket about said fulcrum bar,

(iv) at least one of said inner jaw and said outer jaw comprising a substantially flat contact surface which is adapted to contact the first surface of said metal upright over a planar region, said at least one of said inner jaw and said outer jaw being capable of pivoting relative to said pair of side members and said angle bracket, the transverse cross-sectional area of said at least one of said inner jaw and said outer jaw having a height and a thickness, the height being greater than the thickness.

21. (Amended) The combination of:

(a) a fiberglass upright, said fiberglass upright having a first surface, and
(b) a lock for mounting an angle bracket on said fiberglass upright, said lock comprising,

(i) a pair of side members,
(ii) an outer jaw and an inner jaw coupled to said pair of side members, and
(iii) a fulcrum bar which is adapted to couple said pair of side members to said angle bracket, said pair of side members being capable of pivoting relative to said angle bracket about said fulcrum bar,

(iv) at least one of said inner jaw and said outer jaw comprising a substantially flat contact surface which is adapted to contact the first surface of said fiberglass upright over a planar region, said at least one of said inner jaw and said outer jaw being capable of pivoting relative to said pair of side members and said angle bracket, the transverse cross-sectional area of said at least one of said inner jaw and said outer jaw having a height and a thickness, the height being greater than the thickness.